

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 21, 2005

SENATE BILL

No. 562

Introduced by Senator Torlakson

February 18, 2005

An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Torlakson. Physical education: California Interscholastic Federation.

Existing law provides the State Department of Education the authority to exercise general supervision over courses of physical education and specified authority over interscholastic athletics. Existing law grants the governing board of a school district authority to regulate interscholastic athletics, including, but not limited to, the authority to enter into associations or consortia with other boards relating to interscholastic athletics, with certain requirements. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions indefinitely.

Existing law also describes the California Interscholastic Federation, provides the intent of the Legislature regarding its policies, and requires it to report to the Legislature by January 1, 2005. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions to January 1, 2017. The bill would require the California Interscholastic Federation to report to the Legislature every 5 years commencing January 1, 2005, with certain requirements, and would provide the

intent of the Legislature regarding public comment relating to the California Interscholastic Federation. The bill would require the State Board of Education to hold a public hearing regarding this report.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33352 of the Education Code is
2 amended to read:

3 33352. (a) The department shall exercise general supervision
4 over the courses of physical education in elementary and
5 secondary schools of the state; advise school officials, school
6 boards, and teachers in the development and improvement of
7 their physical education and activity programs; and investigate
8 the work in physical education in the public schools.

9 (b) The department shall ensure that the data collected through
10 the Coordinated Compliance Review indicates the actual number
11 of minutes of instruction in physical education actually provided
12 by each school district, for the purpose of determining whether
13 each school district is in compliance with the physical education
14 requirements of Sections 51210, 51220, 51222, and 51223.

15 SEC. 2. Section 33353 of the Education Code is amended to
16 read:

17 33353. (a) The California Interscholastic Federation is a
18 voluntary organization that consists of school and school related
19 personnel with responsibility for administering interscholastic
20 athletic activities in secondary schools. It is the intent of the
21 Legislature that the California Interscholastic Federation, in
22 consultation with the department, implement the following
23 policies:

24 (1) Give the governing boards of school districts specific
25 authority to select their athletic league representatives.

26 (2) Require that all league, section, and state meetings
27 affiliated with the California Interscholastic Federation be subject
28 to the notice and hearing requirements of the Ralph M. Brown
29 Act (Chapter 9 (commencing with Section 54950) of Division 2
30 of Title 5 of the Government Code).

31 (3) Establish a neutral final appeals body to hear complaints
32 related to interscholastic athletic policies.

(4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

(b) (1) The California Interscholastic Federation shall report to the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section every five years commencing January 1, 2010. This report shall include, but not be limited to, the goals and objectives of the California Interscholastic Federation with regard to, and the status of, all of the following:

(A) The governing structure of the California Interscholastic Federation, *and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.*

(B) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the California Interscholastic Federation.

(C) The quality of coaching and officiating, including, but not limited to, ~~the professional development of~~ *for* coaches and athletic administrators, and ~~related~~ parent education *programs*.

(D) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary schools, and ~~the manner in which~~ *action taken by* the California Interscholastic Federation ~~ensures in order to ensure~~ compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.).

(E) Health and safety ~~in interscholastic athletics, including, but not limited to, emerging issues related to interscholastic athletics in secondary schools.~~ *of pupils, coaches, officials, and spectators.*

(F) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.

(G) New and continuing programs available to pupil-athletes.

(H) *Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.*

(2) It is the intent of the Legislature that the California Interscholastic Federation accomplish all of the following:

1 (A) During years in which the California Interscholastic
2 Federation is not required to report to the Legislature and the
3 Governor pursuant to paragraph (1), it shall hold a public
4 comment period relating to that report at three regularly
5 scheduled federation council meetings per year.

6 (B) During each year in which the California Interscholastic
7 Federation is required to report to the Legislature and the
8 Governor pursuant to paragraph (1), representatives of the
9 federation shall attend and present its draft report at the hearing
10 required pursuant to paragraph (3).

11 (C) Annually allow public comment on the policies and
12 practices of the California Interscholastic Federation at a
13 regularly scheduled federation council meeting.

14 (D) Require sections of the California Interscholastic
15 Federation to allow public comment on the policies and practices
16 of the California Interscholastic Federation and its sections, and
17 the report required pursuant to paragraph (1), at each regularly
18 scheduled section meeting.

19 (E) Engage in a comprehensive outreach effort to promote the
20 public hearings described in subparagraphs (A) and (D).

21 (3) The State Board of Education shall hold a public hearing
22 prior to the issuance of each report required pursuant to
23 paragraph (1) and, allow the California Interscholastic Federation
24 to present its draft report; and permit public comment on the draft
25 report.

26 (c) This section shall become inoperative on January 1, 2017,
27 unless a later enacted statute, that is enacted before January 1,
28 2017, deletes or extends that date.

29 SEC. 3. Section 33354 of the Education Code is amended to
30 read:

31 33354. (a) The department shall have the following authority
32 over interscholastic athletics:

33 (1) The department may state that the policies of school
34 districts, of associations or consortia of school districts, and of
35 the California Interscholastic Federation, concerning
36 interscholastic athletics, are in compliance with both state and
37 federal law.

38 (2) (A) If the department states that a school district, an
39 association, or consortium of school districts, or the California
40 Interscholastic Federation is not in compliance with state or

1 federal law, the department may require the school district,
2 association, or consortium, or the federation to adjust its policy
3 so that it is in compliance. However, the department shall not
4 have authority to determine the specific policy that a school
5 district must adopt in order to comply with state and federal laws.

6 (B) Notwithstanding any other provision of law, a complainant
7 from a public school who wishes to file a discrimination
8 complaint pursuant to the regulations adopted for the purpose of
9 implementing Section 261 based on interscholastic activities
10 conducted by an association, a consortium of school districts, or
11 by the California Interscholastic Federation, is not required to
12 first file a discrimination complaint with a school district, but
13 may file an initial discrimination complaint directly with the
14 department, and the department shall have the authority to
15 specify, with regard to a specific discrimination complaint, the
16 administrative remedies that such an association, a consortium of
17 school districts, or the California Interscholastic Federation must
18 provide in order to comply with state or federal law.

19 (3) If the department states that a school district, association,
20 or consortium, or the federation is not in compliance with state or
21 federal law in matters relating to interscholastic activities, and
22 the school district, association, or consortium, or the federation
23 does not change its policy in order to comply with these laws, the
24 department may commence with appropriate legal proceedings
25 against the California Interscholastic Federation, the school
26 district or against school districts that are members of the
27 California Interscholastic Federation or the association or
28 consortium that the department states is in noncompliance. In a
29 legal proceeding, the court shall determine the matter de novo.
30 The department may make recommendations for appropriate
31 remedies in these proceedings.

32 (b) This section does not limit the discretion of local
33 governing boards, or voluntary associations formed or
34 maintained pursuant to subdivision (b) of Section 35179, in any
35 policy, program, or activity that is in compliance with state and
36 federal law.

37 (c) The state law with which the policies of school districts,
38 associations, or consortia of school districts, and of the California
39 Interscholastic Federation, concerning interscholastic athletics,
40 are required to comply, in accordance with this section, includes,

1 but is not limited to, any regulations issued by the State Board of
2 Education pursuant to Section 232 with regard to discrimination
3 in interscholastic athletics.

4 SEC. 4. Section 35179 of the Education Code is amended to
5 read:

6 35179. (a) Each school district governing board shall have
7 general control of, and be responsible for, all aspects of the
8 interscholastic athletic policies, programs, and activities in its
9 district, including, but not limited to, eligibility, season of sport,
10 number of sports, personnel, and sports facilities. In addition, the
11 board shall assure that all interscholastic policies, programs, and
12 activities in its district are in compliance with state and federal
13 law.

14 (b) Governing boards may enter into associations or consortia
15 with other boards for the purpose of governing regional or
16 statewide interscholastic athletic programs by permitting the
17 public schools under their jurisdictions to enter into a voluntary
18 association with other schools for the purpose of enacting and
19 enforcing rules relating to eligibility for, and participation in,
20 interscholastic athletic programs among and between schools.

21 (c) Each governing board, or its designee, shall represent the
22 individual schools located within its jurisdiction in any voluntary
23 association of schools formed or maintained pursuant to this
24 section.

25 (d) No voluntary interscholastic athletic association, of which
26 any public school is a member, shall discriminate against, or
27 deny the benefits of any program to, any person on any basis
28 prohibited by Chapter 2 (commencing with Section 200) of Part
29 1.

30 (e) Notwithstanding any other provision of law, no voluntary
31 interscholastic athletic association shall deny a school from
32 participating in interscholastic athletic activities because of the
33 religious tenets of the school, regardless of whether that school is
34 directly controlled by a religious organization.

35 (f) Interscholastic athletics is defined as those policies,
36 programs, and activities that are formulated or executed in
37 conjunction with, or in contemplation of, athletic contests
38 between two or more schools, either public or private.

O